

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. BILAL NAZKI

THE ACTING CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 6912 of 2005

Between:

Harikishen Agarwal, s/o late Mahadev Prasad,
r/o 1-5-6/33, Krishna Nagar Colony, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 A.P.Pollution Control Board, rep., by its Secretary,

HUDA Maitrivanam Building, A.P.Hyderabad.

2 Kukatpally Municipality rep., by its Commissioner,

Kukatpally, Ranga Reddy District.

3 Serilingampally Municipality, rep., by its

Commissioner, Serilingampally, R.R.District.

4 Sri Chaitanya Junior College, rep., by its Secretary

and Correspondent, Water Works Road, Hydernagar,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly in the nature of a writ of mandamus, declaring the action of respondents 1 to 3 in not initiating against respondent No.4 for polluting the land of the petitioner in Survey No.56/1 (Old Survey No.56) and the surrounding areas at Hafeezpet, Hyderabad, as arbitrary and illegal and issue a consequential direction to respondents 1 to 3 to take appropriate action against respondent No.4 and pass such other order or further orders as this Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.J.PRABHAKAR

**Counsel for the Respondent No.2 and 3: MR.POLISETTI
RADHAKRISHNA (SC FOR MPL)**

Counsel for the Respondent No.1: Mr S.V. Bhatt

Counsel for the Respondent No.4: Mr T.Rajendra Prasad

The Court at the admission stage made the following:

O R D E R (Per Hon'ble Mr. Bilal Nazki, HACJ)

Heard the learned counsel for the parties.

2 . The grievance of the petitioner is that the 4th respondent has constructed a college, which has a canteen and a hostel, and has not created any drainage facilities. As the college was constructed in an

open land, which was part of agricultural land, the municipality also provided no drainage facility.

3. The Pollution Control Board filed a report, in which it stated that:

“The domestic sewage effluent is generated from the college, hostel and canteen. The sewage is discharged outside which is passing through the petitioner’s land and finally joining the near by kunta.”

4. In the counter filed by 4th respondent it is not disputed that sewage discharged from the college and hostel is passing through the land of the petitioner. However, it is submitted that no drainage facilities were made available by the municipality and they have themselves constructed some separate septic tank and they would not be discharging any sewage into the land of the petitioner.

5. In view of this submission, we allow this writ petition and direct the 4th respondent not to discharge any effluent or sewage into the land of the petitioner. No costs.

BILAL NAZKI, HACJ

G.CHANDRAIAH,J

AVS

DATE:22.06.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, A.P.Pollution Control Board,

HUDA Maitrivanam Building, A.P.Hyderabad.

2 The Commissioner Kukatpally Municipality,

Kukatpally, Ranga Reddy District.

3 The Commissioner, Serilingampally Municipality, Serilingampally,
R.R.District.

4 The Secteraty and Correspondent, Sri Chaitanya Junior College,

Water Works Road, Hydernagar,
Hyderabad.

5 2 CD copies

6) 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**RS**}*